

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,
Plaintiff

v.

**CITIBANK CASHIER'S CHECK NO.
13000231 IN THE AMOUNT OF
\$2,277,200.00,**
Defendant

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CIVIL CASE NO. _____

VERIFIED COMPLAINT FOR FORFEITURE IN REM

The United States of America, by and through its Acting United States Attorney for the
The United States of America, Plaintiff in the above entitled and numbered cause, files this civil
action for forfeiture *in rem* against one Citibank Cashier's Check in the amount of \$2,277,200.00,
hereinafter "Defendant Funds." In support of this forfeiture complaint, the United States alleges
on information and belief the following:

STATUTORY BASIS FOR CAUSE OF ACTION

1. This is a civil forfeiture action *in rem* brought under Title 18 U.S.C. § 1343 (Wire Fraud),
Title 18 U.S.C. § 1344 (Bank Fraud), and Title 18 U.S.C. § 981(a)(1)(C) and (D) which provides
for the civil forfeiture of the unlawful proceeds of wire fraud and any property representing or
traceable to the gross receipts generated by the bank fraud. This forfeiture action is also brought
under Title 18 U.S.C. § 984 which authorizes the application of relaxed rules of tracing in civil
cases in which the forfeiture commences not more than one year from the date of the offense.

Under Title 18 U.S.C. § 984, where the property to be forfeited consists of funds deposited

in an account in a financial institution, the United States need not identify the specific property involved in the offense that is the basis for the forfeiture nor does the United States need to directly trace the funds on deposit in the account to the offense that is the basis for the forfeiture. In substance, among other things, this provision permits the United States to seize and forfeit funds in a bank account into which forfeitable assets have been transferred within one year, without the necessity of showing that the specific funds now in the account themselves constitute the forfeitable funds.

JURISDICTION AND VENUE

2. This Court has subject-matter jurisdiction of this action pursuant to 28 U.S.C. §§ 1345 and 1355.

3. Venue is proper in the Southern District of Texas under 28 U.S.C. §§ 1355, 1391 and 1395. Venue is proper in the SDTX because the Defendant Funds were received in the Southern District of Texas from Citibank on July 18, 2024 by virtue of the execution of a seizure warrant in the Southern District of Texas.

DEFENDANT PROPERTY

4. The Defendant Funds were seized from Citibank account number XXXXX5216 in the name of “Brynhurst Sales LLC” pursuant to a seizure warrant issued in the Southern District of Texas and executed by Special Agent Stephen McCann of the Secret Service in the Southern District of Texas.

FACTUAL BASIS IN SUPPORT OF FORFEITURE

5. On November 9, 2023, Special Agent Stephen McCann, United States Secret Service (USSS), McAllen Resident Office (MCA), South Texas Regional Task Force (STRTF), received

information from a Travelers Insurance cyber insurance claims investigator, that one of their clients, Doctors Hospital at Renaissance in Edinburg, Texas, was the victim of a Business Email Compromise (BEC) Scheme. Law enforcement officers and agents generally recognize a BEC as a scheme used by fraudsters to target a business and take over its identity – typically through a spoofed email address. A spoofed email address is one which an email has been forged to appear as if it came from a person or entity that the recipient knows or can trust. The purpose of the BEC scheme is to convince the unsuspecting victim to send funds to a specified account which appears to belong to the business but is controlled by the fraudsters. The investigator provided the following information to Special Agent McCann:

6. Doctors Hospital at Renaissance was the defendant in a lawsuit styled *Landon Pena, et. al. v. Doctors Hospital at Renaissance* (case # C-1161-20-F). Legal counsel for Doctors Hospital at Renaissance is Ernest Aliseda. The law firm representing Doctors Hospital at Renaissance in this lawsuit is Gonzalez Castillo Moya, PLLC with addresses in McAllen and Houston Texas. Ezequiel Moya was primary counsel for Doctors Hospital at Renaissance in the litigation. Ezequiel Moya has a legitimate email address with his law which has a domain name of valleyfirm.com. His illegitimate email addresses are identified as emoya@varlleyfirm.com and emoya@valleyfirnn.com. Regina Vargas, paralegal at Gonzalez Castillo Moya, PLLC, also has a legitimate email address at the law firm.

7. The plaintiff for *Landon Pena, et. al. v. Doctors Hospital at Renaissance* was represented by The Snapka Law Firm. Diana Moreno, paralegal at Snapka Law firm, has a legitimate email address with the Snapka Law Firm.

8. Doctors Hospital at Renaissance utilized Global Captive Management, Ltd. (GCM) to run

the captive insurance program in the litigation. Charmaine Beezer-Tanis, junior account executive for GCM, has a legitimate email address with GCM.

9. Doctors Hospital at Renaissance utilized a third-party administrator, Medlaw Claims, which is required by GCM for professional liability claims. They are involved in the evaluation, settlement, settle reserves on matters, and act as an intermediary between Doctors Hospital at Renaissance and GCM. Trish Tornillo, President and Chief Legal Officer for Medlaw Claims, has a two legitimate email addresses. She has an identified illegitimate email address of trishltor@gmail.com. Cheryl Roos, legal assistant for Medlaw Claims, has a legitimate email address with Medlaw Claims.

10. On August 21, 2023, at 4:47 PM, Regina Vargas emailed a signed Settlement Agreement & Release for Landon Pena, et. al. v. Doctors Hospital at Renaissance to multiple recipients including Ernest Aliseda, Cheryl Roos, Ezequiel Moya, and Trish Tornillo. The settlement agreement discussed the issuance of a check in the sum of \$2,277,264.86 made payable to The Snapka Law Firm.

11. On September 1, 2023, at 3:10 PM, Ezequiel Moya emailed a response to Trish Tornillo, Regina Vargas, and Cheryl Roos from his legitimate email address. The email said, “Trish: Drafting instructions below. I think it makes sense to cut a check payable to the SNT with DHRs portion”.

12. On September 5, 2023, at 6:33 PM, Trish Tornillo (illegitimate email address) emailed a response to Ezequiel Moya, Regina Vargas, and Cheryl Roos. The email confirmed receipt of the drafting instructions.

13. On September 12, 2023, at 4:03 PM, Trish Tornillo (illegitimate email address) emailed

Charmaine Beezer-Tanis incorrect wire instructions for the Snapka Law Firm.

14. On September 18, 2023, at 4:09 PM, Trish Tornillo sent a text message to Ezequiel Moya stating they need to confirm/verify that the wire instructions they received from The Snapka Law Firm are correct. At 4:27 PM, Ezequiel Moya responded “to confirm, a check will not be sent, correct? Based on our earlier conversation a check would be cut.” Trish Tornillo responded stating “No, no check. A wire. That’s why we need to confirm the wire instructions with Snapka”. Ezequiel Moya responded “Understood”, and at 4:40 PM, Diana Moreno emailed Ezequiel Moya with the following wire instructions:

Account No. XXXXX9305
Account Name: The Snapka Law Firm IOLTA Account
Bank Name: Frost National Bank.

15. On September 18, 2023, at 4:42 PM, Ezequiel Moya emailed Trish Tornillo to both her legitimate and illegitimate email addresses the wire instructions received by Diana Moreno. He then followed up with a text message to Trish Tornillo that read “Just emailed you the wire instructions”. At 4:43 PM Trish Tornillo responded by text “You already sent those to me. I just need to confirm and verify that those are correct.” Ezequiel Moya responded by text “Ok. Yes, what I sent you just now is correct.”

16. Continuing on September 18, 2023, at 5:22 PM, Ezequiel Moya (illegitimate email address) emailed Trish Tornillo (illegitimate email addresses), Cheryl Roos, and Regina Vargas to disregard Diana Moreno’s earlier email with wire instructions to Frost National Bank and attached new wire instructions to Citibank for the following:

Account No. XXXXX5216
Account Name: The Snapka Law Firm
Bank Name: Citibank.

The true account name was later learned to be “BRYNHURST SALES, LLC.”

17. Continuing on September 18, 2023, at 5:27 PM, Trish Tornillo (illegitimate email address) emailed Ezequiel Moya (illegitimate email address) confirming that she received the wire instructions.

18. On September 25, 2023 at 1:56 PM., Ezequiel Moya emailed Trish Tornillo requesting an update on status of settlement wire transfer.

19. On September 26, 2023 at 9:21 AM, Ezequiel Moya (illegitimate email address) emailed Trish Tornillo (illegitimate email address) that the Snapka Law Firm confirmed that the wire is pending. At 9:33 AM, Trish Tornillo (illegitimate email address) emailed Ezequiel Moya that the funds were being transferred via account transfer and that the funds would take a few business days to be credited. At 4:34 PM Ezequiel Moya (illegitimate email address) emailed Trish Tornillo (illegitimate email address) that Snapka Law Firm said the wire pending was not from GCM.

20. On September 27, 2023, Ezequiel Moya emailed Trish Tornillo (illegitimate email address) requesting for an update. At 11:33 AM, Trish Tornillo (illegitimate email address) responded to Ezequiel Moya that she expects an update later in the day. At 12:45 PM, Trish Tornillo (illegitimate email address) emailed Ezequiel Moya that GCM initiated the account transfer from Doctors Hospital of Renaissance bank (Scotiabank and Trust) account number XXXXXXXXXXXXXXXXXXXX9991 to Citibank account number XXXXX5216 in the amount of \$2,277,264.68. Scotiabank and Trust utilized JPMorgan Chase Bank as a beneficiary account before crediting Citibank and issued the account transfer and attached the transaction information.

21. On September 27, 2023, at 2:14 PM, Ezequiel Moya (illegitimate email address) emailed Trish Tornillo (illegitimate email address) that Plaintiff’s counsel confirmed receipt of the

account transfer to their bank.

22. On October 3, 2023, Trish Tornillo (illegitimate email address) emailed Ezequiel Moya that the GCM account transfer was kicked back due to an audit/portal issue. Ezequiel Moya replied to Trish Tornillo (illegitimate email address) requesting a conference call because Snapka Law Firm did not receive the settlement funds. At 1:32 PM, Trish Tornillo (illegitimate email address) emailed Ezequiel Moya, and Cheryl Roos that GCM was ready to issue a check and requested the Snapka Law Firm's address.

23. On October 6, 2023, at 8:46 AM., Trish Tornillo (illegitimate email address) emailed Ezequiel Moya that GCM was sending the check.

24. On October 9, 2023, at 10:04 AM, Trish Tornillo (illegitimate email address) emailed Ezequiel Moya that the attached check was in the mail. At 5:33 PM, Ezequiel Moya emailed Trish Tornillo (illegitimate email address) requesting the tracking number for the check.

25. On October 10, 2023 at 8:38 AM, Ezequiel Moya texted Trish Tornillo requesting the tracking number for the check. At 1:33 AM, Trish Tornillo responded, "IDK what you are talking about. Sounds like a Cheryl question....". Ezequiel Moya next emailed Trish Tornillo (illegitimate email address) again requesting the tracking number for the check. At 5:23 PM, Trish Tornillo texted Ezequiel Moya that she was not getting her Gmail emails and that Cheryl Roos had forwarded emails showing confirmation that Snapka Law Firm received the settlement fund wire. Cheryl Roos emailed Ezequiel Moya the September 26, 2023 email exchange between Trish Tornillo (illegitimate email address) and Ezequiel Moya (illegitimate email address).

26. On October 11, 2023, Ezequiel Moya emailed Charmaine Beezer-Tanis advising that Snapka Law Firm had not received the account transfer. Ezequiel Moya next emailed Ernest

Aliseda that a fake domain name 'valleyfirnn.com' with two 'n's was being used to create a visual appearance of an 'M'. The firm's information technology department confirmed the emails from this domain were generated externally and were fraudulent. Additionally, it was identified that the fake domain name 'varlleyfirm.com' with an extra 'R' in the name was being used to impersonate the firm and was also fraudulent. The illegitimate email address of 'trislhtor@gmail.com' was injected into the email threads beginning from the September 5, 2023 email exchange regarding the settlement agreement. At 1:09 PM, Ezequiel Moya emailed Charmaine Beezer-Tanis confirming that the settlement funds were deposited into the wrong account.

27. Ernest Aliseda immediately filed a Federal Bureau of Investigation (FBI) Internet Crime Complaint Center (IC3) complaint after identifying they were a victim of a Business Email Compromise scheme. Ernest Aliseda also contacted their cyber insurance carrier, Travelers Insurance, to report an insurance claim.

28. On October 10, 2023, Secret Service Special Agent Stephen McCann, contacted a bank fraud investigator with Citibank who confirmed the bank transfer into account XXXXX5216 and declared a full amount (\$2,277,264.86) was available for recovery. The Citibank investigator also provided the name on the account as 'BRYNHURST SALES LLC'. Citibank also placed an unsolicited hold on the account as they investigated the account further.¹

29. An opensource search into the domain name 'varlleyfirm.com' revealed the domain name was created on September 8, 2023, days before the spoofed emails were sent/received. An

1. On July 15, 2024, Secret Service received a cashier's check in the amount of \$2,777,276.28, a difference of \$11.60 more from the original warrant amount. On August 1, 2024, Special Agent Stephen McCann contacted Citibank legal regarding the difference in amounts and was advised that interest accrued on the original amount to the date the cashier's check was generated.

opensource search into the domain name 'valleyfirnn.com' revealed the domain name was created on September 20, 2023, days before the spoofed emails were sent/received.

30. Based upon the foregoing facts, there is reason to believe that the funds contained in the Citibank account number XXXXX5216 from which Defendant Funds were obtained are proceeds which constitute or were derived from proceeds traceable to violations of Wire Fraud under Title 18 U.S.C. § 1343 and are subject to forfeiture pursuant to Title 18 U.S.C. § 981(b). The deposit into Citibank account number XXXXX5216 was sent by a wire transfer made in interstate commerce based on false representations as described herein.

NOTICE TO ANY POTENTIAL CLAIMANTS

YOU ARE HEREBY NOTIFIED that if you assert an interest in the Defendant Funds which is subject to forfeiture and want to contest the forfeiture, you must file a verified claim which fulfills the requirements set forth in Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The verified claims must be filed no later than thirty-five (35) days from the date this Complaint has been sent in accordance with Rule G(4)(b).

An answer or motion under Rule 12 of the Federal Rules of Civil Procedure must be filed no later than twenty-one (21) days after filing the claim. The claim and answer must be filed with the United States District Clerk for the Southern District of Texas and a copy must be served upon the undersigned Assistant United States Attorney at the address provided in this Complaint.

PRAYER

WHEREFORE, the United States of America prays that judgment of forfeiture be entered against the Defendant Funds in favor of the United States of America and for such costs and other relief to which the United States of America may be entitled.

Respectfully submitted,

ALAMDAR S. HAMDANI
United States Attorney

BY: s/ Mary Ellen Smyth

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VERIFICATION

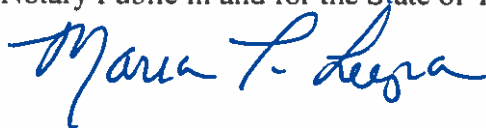
I, Stephen McCann, Special Agent with the Secret Service, declare under the penalty of perjury that I have read the foregoing Verified Complaint for Civil Forfeiture *In Rem* and Notice to Potential Claimants, and that the facts stated in paragraphs 5 through 29 of the Complaint are based upon my personal knowledge and investigation, and information obtained from other individuals with knowledge of those facts. Those facts are true and correct to the best of my knowledge and belief hereby affirm and verify that the facts set forth in the foregoing Complaint for Forfeiture in Rem., paragraphs 5-29, are true and correct to the best of my knowledge and belief.



Stephen McCann
Special Agent, Secret Service

Sworn to and subscribed before me, the undersigned authority, on this 6th day of August, 2024.

Notary Public in and for the State of Texas



My commission expires:

